

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 4778

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE ZONING AND DEVELOPMENT CODE (TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE) REGARDING ADMINISTRATION AND PROCEDURES, SETBACKS, CLUSTER DEVELOPMENT, FLOOD DAMAGE PREVENTION AND FENCES

Recitals:

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan while being flexible and responsive to the community's desires and market conditions and has directed that the Code be reviewed and amended as necessary.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the proposed Zoning and Development Code amendments.

After public notice and public hearing, the Grand Junction City Council finds that the proposed Zoning and Development Code amendments are necessary to maintain effective regulations to implement the Comprehensive Plan.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The Zoning and Development Code is amended as follows:

21.02 Administration and Procedures

21.02.070 Administrative development permits.

(a) Common Elements of Administrative Development Permits.

(7) Amendments. A permit shall be amended through the process it was originally approved.

(8) Appeals. An aggrieved party may appeal the Director's decision by submitting a written appeal within 10 working days of the Director's decision.

21.02.070 Administrative development permits.

(a) Common Elements of Administrative Development Permits.

(8) Validity.

(i) Administrative permits shall expire after the issue date according to the following table:

Permit Type	Expiration
Administrative Permits (except below)	One year
Planning Clearance	180 days
Fence Permit	180 days
Home Occupations	n/a
Preliminary Subdivision	Two years
Final Plat (unrecorded)	Two years
Minor and Major Site Plans	Two years

21.02.070 Administrative development permits.

(I) Administrative Adjustment.

(1) The Director may permit deviation from any bulk standard, upon a finding of compliance with the criteria as set forth in this section. The purpose of this process is to permit inconsequential deviations from the zoning district bulk standards where deviation(s) are desirable but cannot be accommodated through a strict application of the bulk standards.

(i) Additions. Requests for an administrative adjustment to accommodate an addition to an existing structure shall comply with all of the following:

(A) Conforming locations for the addition are impractical, significantly more expensive or have a significant adverse impact on the site plan in terms of overall site design or relationships between site plan elements including, but not limited to, structures, patios, driveways and landscaping;

(B) The location of the addition represents a logical extension of the existing floor plan in terms of function and design;

(C) The location of the addition does not result in the creation of unsafe conditions or create circulation conflicts;

(D) The exterior design of the addition represents a logical extension of the existing structure and is consistent with the design of the existing structure;

(E) Site and structural design elements of the addition shall be considered. Such elements include, but are not limited to:

- a. Height of the addition relative to neighboring structures;
- b. The location, number and size of windows, doors, porches, balconies and outdoor lights;
- c. The location of patios and walkways;
- d. The location, size and types of hedges, walls and fences; and

- e. The level of privacy to occupants of both neighboring properties and the addition. Such privacy shall be equal to or greater than that provided if the addition were located within the required setback;
 - (F) The requested deviation is only 10 percent or less; and
 - (G) The deviation shall not result in physical encroachment into an easement, right-of-way or neighboring property.
- (ii) Construction Errors. Requests for an administrative adjustment to accommodate a construction error shall comply with all of the following:
- (A) Complies with all building, fire and other adopted codes and policies;
 - (B) The requested deviation is only 10 percent or less;
 - (C) The deviation shall not result in physical encroachment into an easement, right-of-way or neighboring property;
 - (D) The error shall have been inadvertent; and
 - (E) The contractor responsible for the error shall not have been the recipient of another approved administrative adjustment in the past three years.
- (2) The Director may permit an accessory structure, including a fence or retaining wall that are considered structures, in a required setback upon the finding that:
- (a) There are unique or unusual conditions pertaining to the specific building or property; and
 - (b) The granting of an adjustment would not be materially detrimental to the property owners in the vicinity.
 - (c) The deviation shall not result in physical encroachment into an easement, right-of-way or neighboring property.
- (3) Decision-Maker.
- (i) The Director shall approve, approve with conditions or deny all requests for an administrative adjustment.

21.02.200 Variance.

- (a) **Purpose.** The purpose of this section is to provide a process for consideration of variances from the certain standards of the Code.
- (b) **Applicability.**
 - (1) A variance may be requested for a departure from bulk standards, performance or use specific standards of Chapter 21.04 GJMC, all overlay district regulations of Chapter 21.07 GJMC, excluding corridor overlay districts, and the sign regulations of Chapter 21.06 GJMC

(2) Variances shall not be requested for:

- (i) The establishment or expansion of a use in a district in which such use is not permitted by this code;
- (ii) Residential development which would result in an increase in density greater than that permitted in the applicable zoning district; and
- (iii) Changes or modifications to any definition contained in this code.

(c) **Approval Criteria.**

A variance may be granted only if the applicant establishes that all of the following criteria have been met:

- (i) There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property;
- (ii) The variance shall not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district;
- (iii) The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant;
- (iv) The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance;
- (v) The variance is the minimum necessary to make possible the reasonable use of land or structures;
- (vi) The granting of a variance shall not conflict with the purposes and intents expressed or implied in this code; and
- (vii) The granting of a variance shall not conflict with the goals, policies and guiding principles of the City's Comprehensive Plan.

(d) **Decision-Making**

(1) A variance from bulk standards, performance or use specific standards of Chapter 21.04 GJMC, all overlay district regulations of Chapter 21.07 GJMC, excluding corridor overlay districts, and the sign regulations of Chapter 21.06 GJMC shall be heard and decided by the Zoning Board of Appeals.

(2) Variances to all other standards, unless otherwise specified, shall be heard and decided by the Planning Commission.

21.03 Zoning Districts

21.03.030(d) Setbacks.

(2) Exceptions and Permitted Encroachments. The following features may encroach into required setbacks:

(xiii) Uncovered, unenclosed terraces, patios or porches, not to exceed six feet into the setback, but in no case closer than three feet to any property line;

21.03.060 Cluster Development

(c) Unless provided otherwise by the subdivision approval, cluster subdivisions must meet the following standards:

(1) Twenty percent of the gross acreage must be open space.

(2) The minimum lot size is the percentage of open space of total acres of the entire development multiplied by 1.5. The minimum lot size requirement of the underlying zoning district may then be reduced by the resulting percentage. Minimum lot size shall also be subject to other provisions, such as GJMC [21.07.020\(f\)](#), Hillside Development, which might further restrict lot size. The following table provides example lot sizes based on various open space reservations.

$$\text{Minimum Lot Size} = (\text{existing min. lot size}) - (\% \text{ open space} \times 1.5 \times \text{existing min. lot size})$$

(3) In no event shall any lot be less than 3,000 square feet.

(4) Bulk standard requirements for clustered lots are those of the district which has the closest lot sizes. For example, if an R-2 district is developed with 30 percent open space then the bulk requirements of the R-4 district apply.

(5) The bulk standards of the R-8 district apply to every lot of less than 4,500 square feet.

	Min. Req. Lot Size	20 Percent Open Space	30 Percent Open Space	50 Percent Open Space	66 Percent Open Space
R-R	5 acres	3.5 acres	2.75 acres	1.25 acres	3,000 sq. ft.
R-E	1 acre	30,492 sq. ft.	23,958 sq. ft.	16,890 sq. ft.	3,000 sq. ft.
R-1	30,000 sq. ft.	21,000 sq. ft.	16,500 sq. ft.	7,500 sq. ft.	3,000 sq. ft.
R-2	15,000 sq. ft.	10,500 sq. ft.	8,250 sq. ft.	3,750 sq. ft.	3,000 sq. ft.
R-4	7,000 sq. ft.	4,900 sq. ft.	3,850 sq. ft.	3,000 sq. ft.	3,000 sq. ft.

	Min. Req. Lot Size	20 Percent Open Space	30 Percent Open Space	50 Percent Open Space	66 Percent Open Space
R-5	4,000 sq. ft.	3,000 sq. ft.	3,000 sq. ft.	3,000 sq. ft.	3,000 sq. ft.

21.04 Uses

21.04.040(i) Fences.

(1) General Standards.

- (i) The Director shall review fences proposed under this subsection in accordance with special permit criteria. See GJMC 21.02.120(c).
- (ii) All fences shall meet all TEDS (GJMC Title 29) requirements.
- (iii) A fence or wall that exceeds six feet in height and retaining walls four feet or higher are considered a structure and require a planning clearance and building permit instead of a fence permit, and shall comply with the International Building Code and all required setbacks.
- (iv) Variation in required setbacks can be considered in accordance with 21.02.070 Administrative Adjustment.

(2) Fence Height Measurement.

- (i) The height of fences shall be determined by measurement from the ground level upon which the fence is located. Grade shall not be altered for the sole purpose of increasing fence height. An increase of up to two inches in height shall be allowed when spacing for drainage under the fence is needed.
- (ii) For fences erected on retaining walls, the height of the retaining wall shall be included in the height of the fence.

21.07 Special Regulations

21.07.010 Flood damage prevention.

(d) **Provisions for Flood Hazard Reduction.**

(2) Specific Standards. The following provisions, as determined from BFE data, are required for all special flood hazard areas:

(v) Recreational Vehicles. Recreational vehicles occupied as a temporary dwelling in a special flood hazard area shall meet all of the following requirements or meet permit requirements, elevation and anchoring requirements for manufactured homes:

- (A) Be on the site for fewer than 180 consecutive days

- (B) Be fully licensed and ready for highway use;
- (C) Be attached to the site only by quick disconnect type utilities and security devices; and
- (D) Include no permanently attached additions.

Introduced on first reading this 20th day of December, 2017 and ordered published in pamphlet form.

Adopted on second reading this 3rd day of January, 2018 and ordered published in pamphlet form.

ATTEST:

W. Wankelmann

City Clerk

J. Mark

Mayor



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4778 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 20th day of December, 2017 and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 3rd day of January, 2018, at which Ordinance No. 4778 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 11th day of January, 2018.

W Winkelman
City Clerk

Published: December 08, 2017
Published: January 05, 2018
Effective: February 04, 2018

